

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.42795 of 2023
Date of decision: 12th December, 2023

Jagsir Singh @ Pappla

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Sandeep Kumar, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.064 dated 10.05.2023 under Section 22(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kabarwala, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner, while drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, inter alia contends that it is a case of chance recovery. It has also been submitted that the recovered contraband has been classified as non-commercial under the NDPS Act. Learned counsel has further submitted that the investigation in the case in hand is complete as challan stands presented on 07.07.2023 and charges framed

on 09.08.2023, however, none of the 13 witnesses cited by the prosecution had been examined so far. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Raj Davinder Singh, has not been able to controvert that it is a case of chance recovery. On a pointed query put to the learned State counsel as to the antecedents of the petitioner, he on instructions has apprised the Court that the petitioner is involved in two more cases including one under the NDPS Act, however, he has not disputed that the alleged recovery from the petitioner has been classified as non-commercial under the Act.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody since 12.05.2023. Challan was presented on 07.07.2023 and charges were framed on 09.08.2023, however, the prosecution evidence has not yet commenced and in all likelihood would commence only on the next date of hearing fixed before the trial Court i.e. 06.01.2024. Hence, the trial would take considerable time to conclude. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and

the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

December 12, 2023

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No